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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,010	02/25/2005	Masaki Shimizu	1254-0269PUS1	4656
2292	7590	06/13/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				BENNETT, ZAHRA I
ART UNIT		PAPER NUMBER		
		2875		
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/526,010	SHIMIZU, MASAKI	
	Examiner	Art Unit	
	Zahra Bennett	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35-38 and 41-51 is/are rejected.
- 7) Claim(s) 39 and 40 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>17/05/2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

The request for a continued prosecution application (CPA) under 37 CFR 1.53(d) filed on [1] is acknowledged. 37 CFR 1.53(d)(1) was amended to provide that the CPA must be for a design patent and the prior application of the CPA must be a design application that is complete as defined by 37 CFR 1.51(b). See *Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications*, final rule, 68 Fed. Reg. 32376 (May 30, 2003), 1271 Off. Gaz. Pat. Office 143 (June 24, 2003). Since a CPA of this application is not permitted under 37 CFR 1.53(d)(1), the improper request for a CPA is being treated as a request for continued examination of this application under 37 CFR 1.114.

Response to Amendment

Applicant's amendments, filed May 17, 2007, have been fully considered, however, a new ground(s) of rejection is made in view of Keihan (JP 2000-331518).

Claim Objections

Claims 35 and 36 recites the limitation "the corresponding opening" in lines 17 and 19 (Claim 35) and line 4 (Claim 36). There is insufficient antecedent basis for this limitation in the claim.

Claim 35 is objected to because of the following informalities: Claim 35 appears to have a grammatical error in line 5, "provided in each of four region". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 37, 48, 49, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Keihan (JP 2000-331518).

With respect to claim 35, Keihan teaches a lighting apparatus (Figure 2), comprising:

an optical member (5); and

a plurality of locking portions (34), wherein,

in cases where a light emitting plane of the optical member is parallel to a vertical direction, at least one opening (51) is provided in each four regions of the optical member that are demarcated by a line parallel to the vertical direction that passes through the center of gravity of the light emitting plane of the optical member and a line parallel to a horizontal direction that passes through the center of gravity,

in each of the four regions, the locking portions penetrates the at least one opening ([0022]),

regardless of which two adjacent regions of the four regions are positioned vertically above with respect to the center of gravity when the lighting apparatus is set, the optical member is suspended by the locking portion penetrating the at least one opening in a vertically upper and horizontally left region with respect to the center of gravity, and by the locking portion penetrating the at least one opening in a vertically upper and horizontally right with respect to the center of gravity, as an upper peripheral portion of each locking portion abuts on an upper-edge portion of the corresponding opening (Figure 3, see [0025]), and

in vertically lower side with respect to the center of gravity of the optical member, each of the locking portions penetrates the corresponding opening such that the optical member is not subjected to the stress caused by its own weight in the vertically upward direction, nor is it subjected to the stress caused by its contact in the vertically downward direction with the locking portion (Figure 3, see [0025]).

With respect to claim 37, Keihan teaches an LCD apparatus and an LCD panel (Figure 2: 8).

With respect to claim 48, Keihan teaches a lighting apparatus, comprising: an optical member (Figure 2: 5) having a plurality of cutout portions (51); and a plurality of locking portions (34) associated with the cutout portions, wherein, the light apparatus comprising at least four sets of the opening and the locking portion that penetrates the opening, wherein,

in cases where a light emitting plane of the optical member is parallel with a vertical direction, the cutout portions are formed in each end-sides of the optical member at the top, bottom, left, and right of the optical member with respect to the center of gravity of the light emitting plane, such that the cutout portions can be engaged with the locking portions (Figure 2), and

regardless of the which of the top, bottom, left, right end-sides comes at the top when the lighting apparatus is set, the optical member is supported by an upper internal edge of edge each of the cutout portions in the left and right end-sides of the optical member abutting on the locking portion adapted to be engaged with the cutout portion ([0025]).

With respect claim 49, Keihan teaches that in cases where a light emitting plane of the optical member is parallel to a vertical direction, at least one of the cutout portions formed in both left and right sides horizontally of the optical member is disposed in a vertically upper side with respect to the center of gravity of the optical member (Figure 2, [0025]).

With respect to claim 51, Keihan teaches an LCD apparatus and an LCD panel (Figure 2: 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 42, 43, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keihan (JP 2000-331518) in view of Wang (US Pub 2001/0055075).

With respect to claim 38, Keihan teaches a lighting apparatus, comprising:

an optical member having a plurality of openings; and

a plurality of locking portions,

the light apparatus comprising at least four sets of the opening and the locking portion that penetrates the opening, wherein,

in a basic position of the lighting apparatus in which a light emitting plane of the optical member is parallel with a vertical direction, the optical member is suspended by at least one of the sets of the opening and the locking portion that penetrates the opening member is suspended by at least one of the sets of

in vertically lower side with respect to the center of gravity of the optical member, each of the locking portions penetrates the corresponding opening such that the optical member is not subjected to the stress caused by its own weight in the vertically upward direction, nor is it subjected to the stress caused by its contact in the vertically downward direction with the locking portion.

Keihan does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Keihan for the benefit of operating the device with ease, as taught by Wang.

With respect to claims 42 and 43, Keihan does not teach a rotating lighting apparatus. Wang teaches a first stop position (Figure 1) is a position that is taken when the lighting apparatus is rotated by 90 degrees or 180 degrees from the basic position in the plane of the display unit ([0028] lines 7-11 and [0030] lines 5-7). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Keihan for the benefit of operating the device with ease, as taught by Wang.

With respect to claim 46, Keihan teaches that the display unit is an LCD panel and the lighting apparatus is a backlight apparatus (Figure 2), the LCD apparatus being comprised of the LCD panel (8) and the backlight apparatus (4).

With respect to claim 47, Keihan does not teach a rotating mechanism. Wang teaches a rotating mechanism for rotating the display unit. It would have been obvious to one of ordinary skill at the time of the invention to include a rotating mechanism on

the device of Keihan for the benefit of operating the device with ease, as taught by Wang.

Claims 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keihan as applied to claims 35 and 38 above, and further in view of Kawato (JP 11-337942).

With respect to claim 36, Keihan teaches two adjacent regions of the four regions are located above with respect to the center of gravity when the lighting apparatus is set, in a lower side with respect to the center of gravity of the optical member, each of the locking portions penetrates the corresponding openings. Keihan does not teach that the locking portions penetrate the corresponding opening in a contactless manner. Kawato teaches each of the locking portions penetrates the corresponding openings in a contactless manner (Figure 1, see [0011] lines 7-10). It would have been obvious to one of ordinary skill at the time of the invention to have locking portions penetrate the corresponding opening in a contactless manner for the benefit of allowing thermal expansion in the optical member, as taught by Kawato.

With respect to claim 41, Keihan does not teach that the upper peripheral comes into contact with the opening in a longitudinal direction. Kawato teaches that either in the basic position or in the first position, the opening is shaped longer in the left-right direction than in the vertical direction with respect to the center of gravity in the upper side of the optical member in the vertical direction with respect to the center of gravity,

wherein the locking portion come into contact with the opening in a longitudinal direction (Figure 3a-c, see [0014] lines 9-12). It would have been obvious to one of ordinary skill at the time of the invention to have the locking portion come into contact with the opening in a longitudinal direction for the benefit of allowing thermal expansion in the optical member, as taught by Kawato.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keihan as applied to claim 38 above, and further in view of Bourdelais et al. (US Patent 6,846,098).

With respect to claim 44, Keihan does not teach an antistatic finish. Bourdelais teaches a surface of the optical member is provided with an antistatic finish (Column 16, lines 57-61). It would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Keihan provided with an antistatic finish for the benefit of achieving various light effects, as taught by Bourdelais.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keihan as applied to claim 38 above, and further in view of Okuno (US Publication 2001/0006461).

With respect to claim 45, Keihan does not teach that the optical member is chamfered. Okuno teaches that the optical member is chamfered (Figure 2: 7a-d, see [0057] lines 7-11). It would have been obvious to one of ordinary skill at the time of the

invention to have the optical member of Keihan chamfered for the benefit of minimizing the thermal expansion, as taught by Okuno.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keihan as applied to claim 48 above, and further in view of Wang (US Pub 2001/0055075).

With respect to claim 50, Keihan teaches that in a basic position of the lighting apparatus where a light emitting plane of the optical member is parallel with a vertical direction, the optical member is supported by an upper internal edge of each of the cutout portions in the both end-sides that are positioned in the horizontal direction in the optical member abutting on the locking portion adapted to be engaged with cutout portion (Figure 2, [0025]). Keihan does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Keihan for the benefit of operating the device with ease, as taught by Wang.

Allowable Subject Matter

Claims 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show or teach either in basic position or in the first stop position, the opening and the locking portion do not come into contact with one another in a vertical lower side of the optical member.

Response to Arguments

Applicant's arguments with respect to claims 16-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kang (US 7,198,819), Fu et al. (US 7,125,157), Kim et al (US 2002/0024623), Fukayama (US 6,835,961) each teach a lighting apparatus comprising an optical member containing an opening. Nishida et al. (US 2003/0043312) teaches an optical member abutting a locking portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZB



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